

# Court of Appeals, State of Michigan

## ORDER

Mark Spina v Valerie Koelbel

Docket No. 355043

LC No. 18-006038-CH

Christopher M. Murray  
Presiding Judge

Michael J. Riordan

Thomas C. Cameron  
Judges

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In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the September 25, 2020 order of the Lenawee Circuit Court denying the cancellation of notice of lis pendens hereby is REVERSED. The benefits of the notice to plaintiff are outweighed by the damage it causes to defendant, who is unable to sell the property. See *Altman v City of Lansing*, 115 Mich App 495, 506-507; 321 NW2d 707 (1982). The case is REMANDED to the circuit court. On remand, the circuit court is to conduct further proceedings as it deems proper to resolve the deposit of the proceeds into a court-approved account while the instant suit remains pending. The court may authorize defendant to withdraw funds as appropriate to purchase a different home.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.

  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 7, 2021

Date

  
Chief Clerk